

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NUMBER: 1:18-CV-932**

ZURICH AMERICAN INSURANCE  
COMPANY,

*Plaintiff,*

v.

COVIL CORPORATION; SENTRY  
CASUALTY COMPANY; UNITED  
STATES FIDELITY AND GUARANTY  
COMPANY; TIG INSURANCE  
COMPANY, as successor in interest to  
Fairmont Specialty Insurance Company, f/k/a  
Ranger Insurance Company; HARTFORD  
ACCIDENT AND INDEMNITY  
COMPANY; ANN FINCH, as Executrix of  
the Estate of Franklin Delenor Finch,  
DARRELL A. CONNOR, as Executrix of the  
Estate of Charles Franklin Connor; ROBERT  
A. MULLINAX, as Executor of the Estate of  
Jack Junior Waugh; ROBERT JOSEPH  
ELLIS; and SHARON WHITEHEAD, as  
Executrix of the Estate of James T.  
Whitehead,

*Defendants.*

**THE RECEIVER OF COVIL  
CORPORATION’S MOTION TO  
DISMISS OR STAY UNITED STATES  
FIDELITY AND GUARANTY  
COMPANY’S CROSS-CLAIMS**

Covil Corporation (“Covil”), a dissolved South Carolina corporation, acting solely by and through its duly appointed receiver, Peter D. Protopapas (“Receiver”), moves this Court to dismiss the cross-claims of United States Fidelity and Guaranty Company (“USF&G”) pursuant to Rules 12(b)(1), 12(b)(7), and 19 of the Federal Rules of Civil Procedure for failure to join indispensable parties and lack of subject matter jurisdiction, or to dismiss or stay USF&G’s cross-claims pending adjudication of the more comprehensive action currently pending in South Carolina among the parties, which is styled *Covil Corporation v. Zurich American Insurance*

*Company, et al.*, No. 7:18-cv-03291-BHH (D.S.C.). The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: February 12, 2019

/s/ William K. Davis

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*Attorneys for Covil Corporation, acting  
through Peter D. Protopapas, Receiver of  
Covil Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing motion via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 12th day of February, 2019.

/s/ William K. Davis

William K. Davis

N.C. State Bar No. 1117

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